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C O N F I D E N T I A L SECTION 01 OF 02 PHNOM PENH 000763

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DEPARTMENT FOR EAP/MLS, P, D, AND DRL
HANOI FOR D STAFF

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TAGS: [PGOV](#) [KDEM](#) [PREL](#) [PHUM](#) [CB](#)
SUBJECT: CAMBODIA: CPP CENTRAL COMMITTEE MEMBER CHEAM YEAP
ON GOVERNMENT FORMATION NEXT STEPS

Classified By: ACTING DCM GREG LAWLESS FOR REASONS 1.4 (B, D)

11. (C) Summary: During a meeting with A/DCM, CPP Central Committee Permanent Committee Member and Cambodian National Assembly Permanent Committee Member Cheam Yeap stated that the CPP has enough legal documents to "easily" show that it has legitimately won 90 National Assembly seats in the July 27 elections. He said that a 50 percent plus one quorum (63 seats) is required to hold the first parliamentary session on September 24, and based this assertion on the 2006 Constitutional amendment changing the National Assembly majority from two-thirds to 50 percent plus one. He indicated that SRP and HRP participation in the September 24 opening session is not necessary for the session to proceed because the CPP, FUNCINPEC, and NRP together hold 94 seats. In describing the plan for the opening session, Cheam Yeap explained that after the King conducts a swearing-in ceremony for MPs, the MPs are led in a vote for National Assembly president, vice presidents, and committee chairs who require an absolute majority vote. Afterwards, MPs vote on committee members either by a package vote or through "normal procedures" -- either way also requiring an absolute majority. Cheam Yeap indicated he believed that FUNCINPEC MPs may be voted in as committee members, possibly as deputy committee chairs of four committees. He also stated that the CPP has not been reaching out to the opposition to encourage their elected MPs to attend opening session activities. End Summary.

Cheam Yeap on the Legitimacy of the New Government

12. (C) Acting Deputy Chief of Mission heard from National Assembly Permanent Committee Member and Permanent Committee Member of the CPP Central Committee Cheam Yeap on September 9 that the CPP won 90 seats in the July 27 National Assembly elections, and has enough legal documents to easily show the legitimacy of the election result. He stated that while two political parties -- SRP and HRP -- have not accepted the results of the elections, international observers and domestic NGOs and political party agents' monitoring of the election process would have made it difficult to have "cheated" ballots. He stated that FUNCINPEC and NRP, which each won two seats in the general elections, have accepted the election results and agreed to form a government and attend the September 24 National Assembly opening session. Parliamentarian Cheam Yeap has been a CPP Central Committee member since 1992. He was first elected as a CPP National Assembly member representing Prey Veng province in Cambodia's first national elections in 1993, and as a member of the National Assembly permanent committee that same year.

13. (C) According to Cheam Yeap, in order to form a government and hold a first parliamentary session, a 50 percent plus one quorum of the National Assembly's 123 members is required to be present, totaling 63 seats. He

based his assertion on the 2006 Constitutional amendment that reduces the number of lawmakers needed to form a government and reach quorum at parliamentary sessions from two-thirds to 50 percent plus one.

National Assembly Opening Day Plans

14. (C) Cheam Yeap stated that after the King swears in parliamentarians on September 24, MPs will return to the National Assembly building where they are expected to vote for the National Assembly President, Vice Presidents, and Committee Chairs as well as the new Prime Minister and the PM's slated cabinet. The National Assembly President will then inform the parliament that there will be elections for committee members. While not stating so directly, Cheam Yeap indicated that there may be a "package" vote for all of these positions. Either way, a 50 percent plus one majority will be required. Regarding attendance at the opening session, Cheam Yeap said that while the King invites all 123 elected members to the opening session and certifies them as duly elected, it is the prerogative of each elected member to accept or decline the invitation. Cheam Yeap stated his belief that at least 90 percent of CPP members will be present on September 24. He indicated there is no constitutional requirement for at least 120 members to be present in order for the first National Assembly session to be deemed valid, as some critics have averred. This is a murky point on which the constitution is silent, and which the SRP is exploiting in its threatened boycott. (COMMENT: CPP appears confident that the King's proclamation of all 123 members satisfies the statement in the Constitution, Article

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76, that "The National Assembly has at least 120 members who are representatives." END COMMENT.)

Committee Formation

15. (C) Cheam Yeap affirmed that he did not think the possible absence of SRP or HRP would delay the vote for committee members. He stated that CPP has chosen to work with FUNCINPEC as a government partner, as stated in their party platform, and suggested that the two FUNCINPEC MPs might each hold seats in two different committees. He also stated that Nhiek Bun Chhay would likely be chosen as a Deputy Prime Minister again. Other parties could submit to newly named National Assembly President Heng Samrin the list of their proposed committee assignments.

CPP Not Reaching Out To SRP...

16. (C) Cheam Yeap indicated that SRP and HRP participation in the September 24 opening session activities are not necessary for the session to proceed because the CPP, FUNCINPEC, and NRP together hold 94 seats. He metaphorically stated that an oxcart requires two oxen to make it move, but that the SRP and HRP have gone off on their own, away from the work of pulling along the oxcart. For this reason, and because Sam Rainsy has been insulting the CPP by calling it names such as the "thief party," Cheam Yeap stated that the CPP has not been reaching out to the opposition to encourage their elected MPs to attend opening session activities.

...But Has an "Open Skies" Policy

17. (C) Despite his stated dislike for SRP rhetoric, Cheam Yeap indicated that CPP would be open to discussions with other parties about participation in the National Assembly committees. He stated the CPP had an "open skies" policy to talk with any of the five elected parties. However, he indicated that not only had CPP not been approached at any level, but that Sam Rainsy was being inflexible in denouncing

the election and indicating that the SRP-HRP coalition would boycott the National Assembly opening session.

Comment

18. (C) The National Assembly Permanent Committee has a plan for conducting the September 24 opening session based on a quorum of 50 percent plus one members present. If the SRP and HRP continue with their plans to boycott the opening ceremony and the session proceeds anyway, the SRP will likely continue its rhetoric denouncing CPP's illegitimate election win and subsequent rule. In the meantime, the CPP seems to be wasting little time in taking the next steps to govern the country, with or without SRP and HRP playing an opposition role in parliament. It would appear that, while all nine National Assembly Committee Chairmanships will go to CPP members, and up to four Deputy Chair positions would go to FUNCINPEC, at least a few other Deputy Chair slots could be open to SRP, if only SRP would make overtures.

19. (C) For Sam Raisy, the political question boils down to how he best wins support from his mixed constituency of 1.3 million voters in Cambodia and another several hundred thousand considerably more well-heeled supporters in France, Australia, the U.S. and Canada. He might serve the former by promoting SRP as a lesser opposition voice in parliament, but he may get far more support from the latter by positioning himself as a strident voice against the CPP, highlighting its failings, and being seen as a lone voice in the wilderness.
CAMPBELL